

PLANNING BOARD MINUTES

March 24, 2014

Call The Meeting to Order

Chairman Vincent Spada called the meeting to order at 7:07 P.M. in the new Town Hall Auditorium. Present at the meeting were David Plunkett, Robert Fowler, Stephen Johnson, Nancy Reed, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Approval of Minutes – March 10, 2014

MOTION - Mrs. Reed made a motion to table the minutes. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(B) Committee Reports/Administrative Actions

(B1) Zoning Bylaw Subcommittee

Mr. Sadwick stated that the public hearing for the zoning articles will be held on April 7, 2014. At that meeting we should look at setting a date for the next meeting.

(B2) Master Plan

Mr. Sadwick presented the draft RFP for the Master Plan tonight. The entire RFP is 34 pages. He presented 16 pages tonight and the rest are just boiler plate information. He pointed out pages 3,4,10,11 and 12 for the Board to look at and requested that if there are any comments to let him know by the end of the week. They would like to advertise this week with the RFP being available for pick up next week.

Mrs. Reed stated that she is very frustrated with this process. We did not have a chance to review this over the weekend and the entire Planning Board should go over these items. This should not be taken lightly. The last time we did the Master Plan it took a long time. Mr. Sadwick stated that this can be put on the agenda for discussion at the next Planning Board meeting. Mrs. Reed stated that she doesn't want to hold up the process. Mr. Spada replied that a couple of weeks won't make a difference.

(B3) Committee Reports

There were no committee reports.

(B4) 1550 to 1590 Main Street, Marc Ginsburg & Sons, Inc. and Tewksbury Blue Water, LLC - ANR

Marc Ginsburg and Dick Cuoco appeared for the ANR for 1550 to 1590 Main Street. Mr. Cuoco stated that Lot #26 is the Tidal Wave Car Wash. They are proposing a land swap with Lot #26 and they are consolidating three non-conforming lots into one 76,000 SF lot. Mr. Cuoco noted that Lot #26 is getting 12 SF extra because it is just shy of an acre lot due to an incorrect survey in 1956.

MOTION - Mr. Plunkett made a motion to endorse the ANR for 1550 to 1590 Main Street as presented. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

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(B5) 677 Trull Road/0 Mt. Joy Drive, Estate of Virginia Doulames – ANR

Attorney William Gramer appeared representing the Estate of Virginia Doulames for an ANR for 677 Trull Road and 0 Mt. Joy Drive. Attorney Gramer presented a colored plan for clarification. The lot outlined in “blue” is 677 Trull Road, the lot outlined in “yellow” is 0 Mt. Joy (aka Lot 4B) and the lot outlined in “green” is lot 4A and this is to be merged with 677 Trull Road. He has included a memo from Town Counsel and on page 3 it is his view that Lot 4A merged with 677 Trull Road but Lot 4B did not and is a separate conforming lot. Attorney Gramer added that there is an existing driveway that falls completely with Lot 4A which will be merged with 677 Trull Road.

Mr. Plunkett asked how this plan gets around the merger doctrine. Attorney Gramer stated that there are exceptions to the merger doctrine and this ANR plan does not deal with the merger issue. That will be determined by the Building Commissioner. Mr. Plunkett stated that Lot 4A and 4B were once one lot. Attorney Gramer replied that was correct. Mr. Plunkett asked how the original Lot 4 was separated. There was no subdivision plan recorded in 1963. Mr. Plunkett asked how the meets and bounds were determined. Attorney Gramer stated that they used the deed. Attorney Gramer stated that he can’t speak to the action of 1963 or how the lots were separated. Attorney Gramer added that the end result of this ANR is there will be two separate buildable lots. Mr. Plunkett stated that the plan of land for the Mt. Joy Subdivision showed Lots 4A and 4B as a single parcel. Attorney Gramer replied yes. Mr. Plunkett asked how we could approve this ANR when they didn’t file a proper subdivision plan for the original Lot 4.

Mrs. Reed stated that 677 Trull Road is a non-conforming lot and asked if the addition of Lot 4A meets the perimeter requirement “Z factor” of the bylaw. Jeff Rider from Cuoco and Cormier joined the meeting and stated that the “Z factor” was done and it meets the bylaw.

Mr. Fowler asked if there were any variances recorded for the 677 Trull Road lot. Attorney Gramer replied he did not believe so. The family purchased the property in 1953. Mr. Fowler stated that they purchased Lot 4A so they could access the back pool area for their handicapped daughter. Attorney Gramer stated that in 1995 the pool area was converted into living space.

Mr. Johnson stated that he doesn’t understand why the lots are not merged. We have had opinions from Town Counsel in the past but he throws it back to the Planning Board to make a determination.

Mr. Plunkett stated that on page 3 of Town Counsel’s memo it states “Therefore, my view is that Lot 4A merged with the Trull Road Lot, and Lot 4B is a separate conforming lot and the doctrine of infectious invalidity does not apply”. Mr. Plunkett doesn’t understand how it did not merge but would defer to Town Counsel’s opinion.

Mrs. Reed asked if Lot 4A was ever described in a deed. Attorney Gramer replied yes.

MOTION - Mr. Plunkett stated that based on Town Counsel’s memo dated March 18, 2014, page 3 which states “Therefore, my view is that Lot 4A merged with the Trull Road Lot, and Lot 4B is a separate conforming lot and the doctrine of infectious invalidity does not apply.” the ANR is endorsed as presented. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

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(C) Archstone Avenue, DSF IV Tewksbury Owner, LLC, (Shawsheen Place), Special Permit and Site Plan Special Permit

MOTION - Mr. Johnson made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Plunkett and unanimously voted 5-0.

Jeff Rider from Cuoco and Cormier appeared for the Special Permit and Site Plan Special Permit for Archstone Avenue. Mr. Ryder stated that they would like to install 670 SF of in-ground gunite pool and 1,500 SF of pool deck.

Mrs. Reed, Mr. Johnson and Mr. Spada had no questions.

Mr. Plunkett asked if the pool was strictly for residents of Archstone and their guests. Mr. Rider replied yes, this is not open to the public.

Mr. Fowler stated that this must be operated under the rules of the Board of Health.

There was no one in the audience.

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mr. Plunkett made a motion to approve the Special Permit and Site Plan Special Permit for installation of an in-ground pool with pool decking as presented. The pool will not be open to the public and must comply with the rules and regulations of the Board of Health. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(D) 357 and 379 Pleasant Street, Marc P. Ginsburg & Sons Open Space Residential Design (OSRD) Special Permit and Definitive Subdivision Continued

Marc Ginsburg, Matt Ginsburg and James Hanley appeared for the OSRD and Definitive Subdivision at 357 and 379 Pleasant Street. Mr. Hanley stated that there were a few outstanding issues from the last meeting and they received the comments from Weston and Sampson dated March 21, 2014. Mr. Hanley spoke to each comment. Item #1 – Mr. Hanley has spoken with Deputy Fire Chief Vasas and he is agreeable to the 76' diameter for cul-de-sac. Mr. Sadwick stated that Deputy Fire Chief Vasas has communicated that to him as well. Item #2 – Mr. Hanley stated that this law is not in effect but if they need to later on they will put the signs up. Item #3 – They are requesting a waiver from the Landscape Architect requirement. Item #4 – The test pit data has been provided. Item #5 – The Town will have control of the open space but the process to accept that is being worked on by the Town. Items #6 & #7 – These items are minor and are being worked on with the DPW. Item #8 – They are requesting a waiver for installation of the sidewalks with a donation to the sidewalk fund for both sides of the street. Mr. Hanley stated that Weston and Sampson have asked for water pressure information. If the DPW requests it, then they will provide it.

Mr. Johnson stated that he doesn't see the need to add the "No Parking" signs now. If they are required later on, they can come back. Mr. Fowler agreed. Mr. Plunkett stated that that this is only six lots so he can't image a high traffic flow.

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Mr. Sadwick stated that the open space will come to the Town, they are just working out the details. Mr. Sadwick stated that the Town Manager and DPW would like to have sidewalks installed along Pleasant Street to the High School instead of the having them in the project area. Mr. Ginsburg stated that he is willing to donate the fee in lieu of installing sidewalks on this project and is willing to do some of the work but the issue is there are residents along Pleasant Street that have stone walls and landscaping in the right of way so that would need to be worked out first.

There was no one in the audience.

MOTION - Mr. Johnson made a motion to close the public hearing. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

MOTION - Mr. Plunkett made a motion that the requested waivers are not detrimental to the Town or the project. The following waivers are approved:

1. Section 8.1.5.c – Eliminate landscape center island in the cul-de-sac.
2. Table I – Cul-de-sac diameter reduction from 90' to 76', reduction of cul-de-sac right of way from 110' to 100' and reduction of right of way from 50' to 40'
3. Standard Roadway Cross Section – Reduce cover over drain line from 2.5' to 1.5'.
4. Standard Roadway Cross Section - Contribute a sidewalk fee in lieu of building sidewalks for both sides of the street.
5. Table II – Vertical Design Standards – Reduction to the intersection transition area from 50' to 20'
6. Table I – Horizontal Design Standards – Reduction of minimum pavement width for a roadway servicing 5-9 lots from 26' to 24'.
7. Section 7542 – Waiver for the Certified Landscape Architect.

The motion was seconded by Mr. Fowler and unanimously voted 5-0.

MOTION - Mr. Plunkett made a motion to approve the Open Space Residential Design Special Permit and Definitive Subdivision for 357 and 379 Pleasant Street with the following conditions:

1. Inclusion of all approved waivers.
2. The open space will come under the control of the Town, with the process to be worked out.
3. The driveways from 357 and 379 Pleasant Street will be changed to come off the new street.
4. The existing house at 379 Pleasant Street (the Marshall House) will be preserved.

The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Old Business

There is no old business.

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New Business

MOTION - Mr. Plunkett made the following motion to recognize years of dedicated service for Vincent W. Spada:

Decision of the Tewksbury Planning Board on the Motion duly before the Board to recognize the contributions of Vincent W. Spada to the Planning Board and the Town of Tewksbury. In light of The decision of Vin Spada to not seek reelection to the Board after 15 years of dedicated service the undersigned members of the Board reluctantly accept Vin's decision and make note of the following to enter as part of the record of said Board in recognition of his years of service and, contribution which will be greatly missed by the Town and Vin's colleagues and fellow Board members.

I. Background

The Planning Board voted 4-0 in favor of approving this motion which shall become part of permanent record of the Planning Board in recognition of many years of service to the community.

II. Findings

1. Vin's Years of Service and Commitment to Town of Tewksbury through his 15 year record as a member of the Town of Tewksbury Planning Board, serving three years as Chairman.
2. Vin's Years of Service and Commitment to the Town of Tewksbury through his exemplary record as a dedicated member of Conservation Commission from May 1990 through April 1999 as well as his service as a member of the High School Building Committee, Special Act Charter Committee and the Planning Board Zoning By-Law Subcommittee.

Decision

1. The Town of Tewksbury owes Applicant a debt of gratitude for his years of dedicated service to the Town.
2. Vin's presence on the Board will be greatly missed by fellow Board members, Applicants and citizens. Vin's demeanor was always respectful, even handed and thoughtful. Vin's years of dedicated service to the Town of Tewksbury and his many accomplishments during the course of his service will forever be his legacy.

Special Provisions:

- A Vin must accept the thanks and best wishes of his fellow Board Members; forever to be thought of as a respected colleague and friend
- B. Vin must accept the hope of his fellow Board members that he shall continue in his service to the community in such capacity as he sees fit.

The motion was seconded by Mr. Fowler and unanimously voted 4-0.

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Director's Report

Mr. Sadwick stated that the Planning Board meeting on April 21, 2014 has been changed to April 28, 2014 due to the Patriot's Day holiday.

Adjournment

MOTION - Mr. Fowler made a motion to adjourn the meeting at 8:15 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Approved on: 4/7/14

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List of documents for 3/24/14 Agenda

Documents can be located at the Community Development Office

- A. 7:00** Approval of Minutes – March 10, 2014
- B. 7:00** Committee Reports/Administrative Actions
- 1- Zoning Bylaw Subcommittee
 - 2- Master Plan
 - 3- Committee Reports
 - 4- 1550 to 1590 Main Street, Marc Ginsburg & Sons, Inc.
and Tewksbury Blue Water LLC – ANR
 - *Application packet dated 3/11/14.*
 - 5- 677 Trull Road/0 Mt. Joy Drive, Estate of Virginia
Doulames – ANR
 - *Application packet dated 3/20/14.*
- C. 7:00** Archstone Avenue, DSF IV Tewksbury Owner, LLC,
(Shawsheen Place)
- Special Permit and Site Plan Special Permit
- *Application packet dated 2/12/14.*
 - *Review letter dated 3/6/14 from Weston and Sampson.*
 - *Review letter dated 3/17/14 from Cuoco & Cormier.*
- D. 7:10** 357 and 379 Pleasant Street, Marc P. Ginsburg & Sons
- Continued Open Space Residential Design Special Permit
- Definitive Subdivision
- *Copy of Open Space Residential Design plans dated 2/6/14 revised 3/14/14 from Civil Design Consultants, Inc.*
 - *Copy of Sheet C-4, D-1 and D-2 revised 3/14/14 addressing DPW comments.*
 - *Review letter dated 3/21/14 from Weston and Sampson.*